HIGH COURT OF UTTARAKHAND AT NAINITAL

A.O. No. 673 of 2001(Defective)

(Old No. 68/1986)

Smt. Gyanwati .....Petitioner

Versus

Sri Budhi Singh & others .....Respondent

Dated: 19.08.2004

Hon. Rajesh Tandon, J.

Present appeal has been filed against the judgment and award dated 24.12.1995 passed by the Motor Accident Claims Tribunal, Dehradun in Case No. 146 of 1978.

Brief stated the facts giving rise to the present appeals are that the petitioner filed claims petition for the grant of compensation under M.V. Act, with the allegations that on 21.7.1978 at 6.00 PM. her husband Harish Chand Gupta wo has going to Dehradun by the scooter with Sri Kamleshwar Pandey as pillon rider. When they reached near Song River Bridge a motor cycle being driven rashly and negligently by Sri Budhi Singh collided with the scooter. Both the scooter sustained injures in the accident and were admitted in the Hospital where Sri Harish Chand Gupta succumbed to the injuries. The petitioner claimed a compensation of Rs. 1,25,000/-

Opposite parties have filed written statement and denied that the accident had taken place due to rash and negligent driving by motorcycle rider. The claims Tribunal framed as

many as ten issues and after considering the evidence on record has held that the accident took palace due to rash and negligent driving by Sri Budhi Singh, motorcycle rider. The claims tribunal has awarded an amount of Rs. 19,200/- as compensation.

I have gone through the evidence on record. On the basis of ocular evidence of P.W.4 Nand Kishore the claim tribunal has held that the accident took place due to rash and negligent driving by the motorcycle rider opposite party Budhi Singh. The claims Tribunal awarded a sum of Rs.19,500/- as compensation to the petitioner along with pendent elite and future interest at the rate of 10% per annum jointly and severally against the opposite parties. The amount awarded by the claims Tribunal appears just the proper. I find no infirmity in the judgment and award passed by the Claims Tribunal. The findings of the Claims Tribunal are based on the evidence on record. The appeal has no force and deserves to dismissed.

The appeal is accordingly dismissed. No order as to costs.

(Rajesh Tandon, J.)

19.8.2004

***Dhyani**